

REMARKS

Claims 14-20 are pending in this application.

Applicant has canceled claims 1-13 in favor of new claims 14-20. The changes to the claims made herein do not introduce any new matter.

New Claims

As noted above, Applicant has added new claims 14-20, of which claims 14, 19, and 20 are independent claims. Claim 14 defines an image output apparatus for outputting an image using image data indicative of the image and associated photographing information set at a generation of the image data. The photographing information includes light metering mode information on a light metering mode. The image output apparatus includes a picture quality adjusting unit and an outputting unit. The picture quality adjustment unit performs a picture quality adjustment on the image, the picture quality adjustment being such that a degree of an adjustment of lightness of a whole image is reduced based on the photographing information if the photographing information indicates that the light metering mode measures a part of the image. The outputting unit outputs the image adjusted by the picture quality adjusting unit.

Claim 19 defines an image output method of outputting an image using image data indicative of the image and associated photographing information set at a generation of the image data. The photographing information includes light metering mode information on a light metering mode. The method includes performing a picture quality adjustment on the image, and outputting the image that has been adjusted by the picture quality adjustment. The picture quality adjustment is such that a degree of an adjustment of lightness of a whole image is reduced based on the photographing information if the photographing information indicates that the light metering mode measures a part of the image.

Claim 20 defines a computer-readable storage medium having a computer program stored thereon. The computer program causes a computer to output an image using image data indicative of the image and associated photographing information set at a generation of the image data. The photographing information includes light metering mode information on a light metering mode. The computer program includes instructions for causing the computer to perform functions that correspond to the method operations recited in claim 19.

Comments Regarding the Prior Art

In the Office Action, claims 1, 5, and 9-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Masao et al.* (“*Masao*”) (US 7,042,603 B2). Claims 2-4 and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ohta* (US 7,158,183 B1) (although it appears that the Examiner intended to reject the claims on the basis of the combination of the *Masao* and *Ohta* references). To the extent that these rejections might be considered to be applicable to newly added claims 14-20, Applicant’s comments regarding the *Masao* and *Ohta* references are set forth below.

Each of independent claims 14, 19, and 20 recites light metering mode information. As recognized by the Examiner, the *Masao* reference does not disclose light metering information. Thus, for at least this reason, the *Masao* reference does not disclose each and every feature specified in claims 14, 19, and 20. Accordingly, claims 14, 19, and 20 are patentable under 35 U.S.C. § 102(e) over *Masao*.

The *Ohta* reference discloses a technique for selecting a light metering mode; however, there is no disclosure (or suggestion) in this reference regarding a technique for including light metering mode information in the photographing information set at the generation of the image data. Thus, the combination of the *Masao* and *Ohta* references would not have resulted in an image output apparatus or method having each and every feature of the claimed subject matter. Consequently, the combination of the *Masao* and *Ohta* references

would not have rendered the claimed subject matter obvious to one having ordinary skill in the art. Accordingly, claims 14, 19, and 20 are patentable under 35 U.S.C. § 103(a) over the combination of *Masao* in view of *Ohta*.

Conclusion

In view of the foregoing, Applicant respectfully requests examination of claims 14-20, and submits that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP133).

Respectfully submitted,
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